

REMARKS

The Office Action dated July 22, 2005 has been carefully considered. Claims 1-30 are pending. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 3, 12, 23 and 28 have been amended and Claims 2, 16-22, 24 and 29-30 have been cancelled in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 1-5, 9-11, 16-17, 23-27 and 29 stand rejected under 35 U.S.C. § 103(a) in view of U.S. Publication No. 2002/0150096 to Sjoblom ("Sjoblom"), U.S. Patent 6,363,525 to Dougherty et al. ("Dougherty"), and U.S. Patent 5,862,335 to Welch, Jr. et al. ("Welch"). Claims 6-8 stand rejected under 35 U.S.C. § 103(a) in view of Sjoblom, Dougherty, Welch, and Applicant Admitted Prior Art ("AAPA"). Claims 12-15 and 28 stand rejected under 35 U.S.C. § 103(a) in view of Sjoblom and Welch. Claims 18, 21 and 30 stand rejected under 35 U.S.C. § 103(a) in view of Sjoblom and Dougherty. Insofar as these rejections may be applied against the amended claims, they are deemed overcome. Claims 2, 16-22, 24 and 29-30 have been cancelled in this Response. Accordingly, Applicants submit that the rejections of these claims are moot.

Claim 1 has been amended to clarify a distinguishing feature of the present invention. The method of Claim 1 describes "*determining whether a predetermined amount of time has elapsed between packets of the at least one packet of the communication, the packets being identified by the CAI; and reporting a second message to an LEA in response to a determination that the given amount of time has elapsed, wherein the second message represents a timeout indication.*" Support for this amendment can be found, among other places, page 13, lines 18-20, page 14, line 15 through page 15, line 5, and FIGURE 4 of the original Application.

The Sjoblom, Dougherty, and Welch references do not teach, suggest, or disclose this feature of the present invention. Specifically, Sjoblom discloses a method for performing a lawful interception in a packet network. Dougherty discloses a method for routing user information including confidential information to a vendor in a secure manner without requiring the user to transmit information in a secure manner. Welch discloses a method of monitoring logical connections in a computer network.

In contrast with the cited references, the present invention employs a timer or similar device that keeps track of the amount of time between packets of the communication. After the timer has run out, a second message is reported to an LEA which represents a timeout indication. The Examiner argues that Welch discloses this feature of the present invention, but Welch only discloses the use of a time stamp for each packet of the communication, wherein the time stamp data is updated periodically in an archive. Updating a time stamp does not anticipate the use of a timer, wherein when the timer has run out a message is reported to an LEA indicating a timeout indication. In the present invention the timer controls LEA access to the requested communication. Accordingly, an LEA only receives the specific packets of communication that are requested, and when the relevant communication is over the timer enables the system to send only these packets of the communication to the LEA. Therefore, an LEA does not access the entire communications of an individual. For the combination of Sjoblom, Dougherty, and Welch, the LEA receives the entire communication and must access the archive to extract only the requested communication. This method forces the LEA to view the entire communication, which violates the privacy of the individual.

In view of the foregoing it is apparent that the cited references do not disclose, teach, or suggest the unique combination now recited in amended Claim 1. Applicants therefore submit that

amended Claim 1 is both clearly and precisely distinguishable over the cited references in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103(a) in view of Sjoblom, Dougherty, and Welch be withdrawn and that amended Claim 1 be allowed.

Claims 3-5 and 9-11 depend upon and further limit amended Claim 1. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of dependent Claims 3-5 and 9-11 also be withdrawn.

Independent Claims 12, 23 and 28 have been amended to clarify the same distinguishing feature as Claim 1. Hence, for at least the aforementioned reasons that amended Claim 1 is deemed to be in condition for allowance, amended Claims 12, 23 and 28 should also be deemed to be in condition for allowance. Claims 13-15 depend upon and further limit amended Claim 12, and Claims 25-27 depend upon and further limit amended Claim 23. Therefore, Claims 13-15 and 25-27 should also be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of Claims 12-15, 23 and 28 under 35 U.S.C. § 103(a) in view of Sjoblom, Dougherty, and Welch be withdrawn and that Claims 12-15, 23, and 25-28 be allowed.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1, 3-15, 23 and 25-28.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

ATTORNEY DOCKET NO.
13229RR (NORTH 2057000)

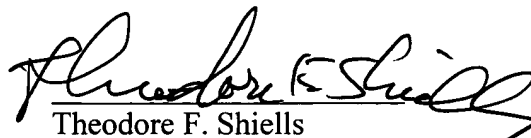
PATENT APPLICATION
SERIAL NO. 09/757,904

Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP

Dated: Sept 26, 2005
CARR LLP
670 Founders Square
900 Jackson Street
Dallas, Texas 75202
Telephone: (214) 760-3030
Fax: (214) 760-3003


Theodore F. Shiells
Reg. No. 31,569